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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-third session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 August 1991, at 10 a.m.

Chairman: Mr. JOINET

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The meeting was called to order at 10.20 a.m.

REVIEW OF THE WORK OF THE SUB-COMMISSION (agenda item 3) (E/CN.4/Sub.2/1991/16)

1. The CHAIRMAN welcomed Mr. Bernales Ballesteros, Chairman of the Commission on Human Rights at its forty-seventh session and pursuant to Commission on Human Rights resolution 1991/56, invited him to address the Sub-Commission.

2. Mr. BERNALES BALLESTEROS (Peru), Chairman of the Commission on Human Rights, noted that that was the third time that the Chairman of the Commission was addressing the Sub-Commission. In doing so, he was complying with a resolution adopted by the Commission, but beyond formal considerations, his presence was intended to enhance the direct communications between the Commission and the Sub-Commission, as well as the prospects for the cooperation and complementarity that should exist between the two bodies, in order to ensure a better and more effective protection of human rights.

3. The Commission's recognition of the Sub-Commission's contribution to its work of promoting and protecting human rights and fundamental freedoms had been expressed in resolution 1991/56, in which it noted with appreciation the intensified dialogue between the Commission and the Sub-Commission through mutual information by their respective chairpersons.

4. That resolution reflected the many criteria used by the Commission in assessing the work of the Sub-Commission. Recognizing the independent status of the experts and the specific nature of the Sub-Commission's terms of reference, the Commission had considered guidelines and recommendations with respect to the substantive work of the Sub-Commission that might help it to enhance its work of protecting and promoting human rights. He was convinced that all members of the Sub-Commission endorsed the principles and guidelines which the Commission considered essential for the Sub-Commission to carry out its functions effectively. They included, first, the necessity for impartiality, objectivity on the part of the Sub-Commission and independence on the part of its members and alternates. As the Chairman had pointed out in his opening statement, the criterion of independence was one of the principles characterizing the Sub-Commission and fortunately there was a common desire to strengthen it. Indeed, that consideration had led the Commission in resolution 1991/56 to request Governments to nominate for membership and alternate membership of the Sub-Commission candidates possessing genuine

expertise in the field of human rights. Second, the preparation of studies, reports and draft international instruments was one of the most important of the Sub-Commission's technical tasks and recognition of that fact enhanced its contribution to the Commission's activities. Third, because it was a body of independent experts, the Sub-Commission played a role in examining and criticizing new developments in the field of human rights. That role should be enhanced even further. The Sub-Commission might thus provide the Commission with fresh proposals and interpretative theoretical inputs which would enormously enhance the Commission's resolutions on human rights in the contemporary world. Fourth, the Commission was convinced that if the Sub-Commission rationalized the number of its studies and tried to avoid embarking on others until those previously authorized had been completed, it would enable members of the Sub-Commission to make more profound comments and suggestions. That was particularly relevant in regard to subjects to which the Sub-Commission itself attached priority. Fifth, it was extremely important for the Sub-Commission to make recommendations and offer guidelines to the Commission, to be taken into consideration by that body, thus ensuring complementary interaction between the work of the two bodies.

5. The Commission had also made some suggestions with respect to the conduct of the Sub-Commission's work. First, while expressing its appreciation of the Sub-Commission's constructive contribution, the Commission had noted the growing number of decisions and resolutions adopted by the Sub-Commission every year. From some points of view, that number might be considered excessive, and the Commission had therefore suggested that the Sub-Commission should review, at its current session, its practice of forwarding such a large number of draft resolutions and decisions to the Commission. He believed that the Sub-Commission's discussions of that matter would result in a more rational approach to its duties of promoting and protecting human rights.

6. Second, the Commission had urged the Sub-Commission to concentrate its attention on those specific human rights issues to which it could make a significant contribution, in view of its character as an expert body.

7. The Commission considered it desirable as a general rule to avoid any proliferation of studies, draft resolutions or decisions on issues already being dealt with by the Commission.

8. In that connection, he fully agreed with the Chairman's remarks in his opening statement to the effect that the present session should focus on bringing about reforms. The Commission on Human Rights was naturally following with great interest the discussions in the working group on methods of work set up by the Sub-Commission in decision 1989/104. The working group's proposals would help the Sub-Commission to expand significantly its activities particularly its study of the human rights violations. He hoped that during the current session the working group would submit specific proposals tailored to achieve the Sub-Commission's objectives and attain a proper coordination between it and the Commission on Human Rights.

9. The Commission and the Sub-Commission were complementary bodies. As he had said in his closing statement to the forty-seventh session of the Commission, human rights had acquired a new dimension and constituted the main criterion for assessing the legitimacy of any political and social claim. The Commission and the Sub-Commission must help to develop and promote the cause of human rights. The international community's demands in the field of human rights were so great that it was essential to maintain and improve the effectiveness of the Commission and the Sub-Commission, in their respective functions and tasks primarily through close and continuing coordination. Both bodies must make the best use of their resources, time and energy in order to meet the demands made of them and to shoulder their responsibilities, concentrating on overcoming the major obstacles to the full enjoyment of human rights and fundamental freedoms. He was bound to say that while the requests for assistance, protection and promotion in the field of human rights increased daily, the resources available were diminishing. That meant that scarce resources must be put to better use and a rational approach adopted.

10. That matter would certainly be discussed at the World Conference on Human Rights in 1993, and the Sub-Commission would have an excellent opportunity of making specific proposals at the preparatory meeting of the Conference, to be held in Geneva in September 1991.

11. He looked forward to receiving from the Sub-Commission constructive suggestions, recommendations or proposals because he was convinced that only by strengthening the dialogue and coordination between the Commission and the Sub-Commission could the cause of human rights be served.

12. Mankind had made tremendous progress in realizing its legitimate desire for respect for the human rights and fundamental freedoms of the individual,

but much still remained to be done. The mission of the Commission and the Sub-Commission was to shed light on that path, encouraging the universal awareness of human rights as an essential requirement for building free, just and democratic societies. In that endeavour, the committed cooperation of the non-governmental organizations was invaluable. He hoped that the Commission and Sub-Commission would move ever closer, for they were united in their desire for the realization of the universal enjoyment of human rights.

13. The CHAIRMAN, speaking on behalf of the Sub-Commission, thanked the Chairman of the Commission on Human Rights for his statement and said that the Sub-Commission would discuss in private the issues he had raised.

The meeting rose at 10.40 a.m.